

**Remarks**

Claims 34 through 36 are currently pending. Claims 18 through 33 have been cancelled, without prejudice. No new matter is presented. Entry of the amendments is respectfully requested.

**Rejections Under 35 USC 112**

Claims 18-33 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In response thereto, Applicant has cancelled claims 18-33 and rewritten them as claims 34-36.

Claim 34 is essentially a combination of originally-presented claims 18, 19, 25, 31 and 32. It was indicated that claim 25 would be allowable if rewritten to overcome the rejection and to include all of the limitations of the base claim and any intervening claims.

Claim 35 is essentially a combination of originally-presented claims 26 and 27 and is dependent on new claim 34. It was indicated that claim 27 would be allowable if rewritten to overcome the rejection and to include all of the limitations of the base claim and any intervening claims.

Claim 36 corresponds to originally-presented claim 30 in amended form.

It is believed that the amended claims have addressed the indefiniteness rejection and are, thus, in compliance with 35 U.S.C. §112. Accordingly, it is respectfully submitted that the rejection has been overcome and should be withdrawn.

**Rejections Under 35 USC 102(b)**

Claims 18-22, 26, 29, 30, 32 and 33 are rejected under 35 USC 102(b) as being anticipated by Scarcella (US 2002/0144639).

Scarcella applies to a craft with a catamaran-like part of 2/3 to 3/4 of the length of the craft. The concave shape to the length of the inner wall in Scarcella is opposite to the convex curve of the inner wall in the subject application. Also, there is no flat planing area on the sponsons in Scarcella in contrast to the planing area created by the convex curve of the subject application. As such, the two styles would have vastly different characteristics than the subject application, where the divergence of the hull is in the aft section of the craft and the shape along

the divergence is convex in the subject application to give a planing area along the sponsons and a sharp edge running increasingly transversely across the bottom of the craft to facilitate planing. Scarcella appears to have the same cross section at all stations along most of the sponson with no flat planing area. The subject application could operate as a displacement craft and a planing craft, while Scarcella is intended as a high speed craft alone.

Scarcella would depend for its effect both aerodynamically and hydrodynamically on the bow section as well as the sponsons, while in the subject application, the shape of the bow section is not particularly important and therefore does not form part of the claims of the subject application.

Scarcella is designed for power boats at speed while the subject application has a sponson shape which allows for paddle and lower power use or powered use with low wake at low speeds and planing ability as well with moderate speed. The subject application also covers monohulls which are tunnel hulls which would not have at all the same aerodynamic and hydrodynamic characteristics as Scarcella.

Therefore, the subject application is clearly patentable over Scarcella and withdrawal of the rejection and allowance of the claims are respectfully requested.

Claims 18-23, 29, 30 and 32 are rejected under 35 USC 102(b) as being anticipated by Bouvier (FR 2,806,696).

Bouvier teaches a water craft with enough bow section intended to have an aerodynamic and hydrodynamic effect in conjunction with the catamaran type sponsons aft. The sponsons in Bouvier do not diverge aft, nor does the inside wall of the sponson meet the outside wall, but rather the intention in Bouvier is to increase pressures between the sponsons while in the subject application the pressures will decrease. Bouvier has flat areas aft for planing but it would require a powerful motor to use the effect claimed therein and would result in a craft that could not function well as a displacement boat. Again Bouvier, as with Scarcella, is designed with wind and water effect on the bow section to be an important part of the art and the cross section of the sponsons being only a part of the overall art claimed. Both require powerful motors and considerable speed to utilize the aerodynamic and hydrodynamic advantages claimed, while the subject application has advantages at just a few knots of speed as well as while going faster.

Therefore, the subject application is clearly patentable over Bouvier and withdrawal of the rejection and allowance of the claims are respectfully requested.

**Allowable Subject Matter**

Claims 24, 25, 27, 28 and 31 are indicated as allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

As noted above, the subject matter of claims 25 and 27 have been incorporated into new claims 34 and 35, respectively, including the limitations of the base claim and intervening claims. Therefore, it is respectfully submitted that claims 34 and 35 are allowable, as indicated, and that claim 36, which is dependent on new claim 34, is also allowable as dependent on an allowable claim.

It is respectfully submitted that all pending claims are in condition for allowance, and Applicant respectfully requests that allowance be granted at the earliest date possible. Should the Examiner have any questions or comments regarding Applicant's amendments or response, the Examiner is asked to contact Applicant's undersigned representative.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573.

Respectfully submitted,



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